

DAS EXPRESS ATM
2020 FIELDSTONE PARKWAY SUITE 900
PMB #133
FRANKLIN, TENNESSEE 37069
PHONE (800) 209-7264 FAX: (866) 224-2349
WWW.DASEXPRESSATM.COM

December 15, 2005

Jennifer J. Johnson
Board of Governors of the Federal Reserve System
20th. Street and Constitution Avenue, N.W.,
Washington, DC 20551

Dear Jennifer Johnson,

I would like to express my concern in which POS devises that impose a surcharge, or convenience fee appear not to be included in Regulation E Section 205.16. POS devises, also known as ATM/Debit machines are operating throughout the U.S. and fees are being imposed to the consumer, just like an Automated Teller Machine. They operate with no on-screen fee disclosure and the consumer does not have the right to accept or deny the transaction. The ATM/Debit machines are allowed through Networks such as Star and Pulse and accept online debit transactions only. POS technology has software that would display the fee disclosure and the consumers right to accept or deny the transaction.

It appears that fee-based debit transactions are on the rise and consumers need to be protected. I've spoken with the State Of Tennessee Financial Institutions and their laws reflect Automated Teller Machines only and they have advised me to discuss this further with the Federal Reserve. It also appears that the State Of Tennessee wants to wait until the consumer's rights have been violated; they have received consumer complaints before researching this matter further. In short Tennessee has no laws, or requirements for POS operators.

The Electronic Fund Transfer includes both Automated Teller machines and Point-of sale transfers. I'm requesting that the Federal Reserve Board review the surcharging of consumers at the POS devise and that you will consider changing Regulation E Section 205.16 to include fee based POS machines too.

Thank you,


Mark Dalton
DAS Express ATM

cc. State Of Tennessee, ATMIA, Atmmarketplace.com